

REMARKS

This continuation application contains the rejected claims from its parent case. Applicants have amended the title, specification and claims to address the informalities raised by the Examiner on pages 2 and 3 of the official action mailed May 15, 2003 in the parent case ("Official Action") as well as those corrected by the Examiner's Amendment accompanying the Notice of Allowability. These amendments track the amendments made in the parent case to correct these informalities. Also, upon allowance of independent claims 1 and 9 in their present form, applicants will submit a terminal disclaimer to address the rejection of claims 1, 2, 4 -10, 12, 14 and 15 in the Official Action under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1 - 17 of U.S. Patent No. 6,270,147.

In the Official Action, claims 1, 2, 4 – 10 and 12 – 15, were rejected under 35 U.S.C. § 103(a) based on the combination of Civaglia et al. (US 6,142,551) with Mitchell (US 2,175,086). Claims 1 and 9 are the independent claims of this group. Each requires a gear train movable by an actuator between an engaged position effecting driving engagement between a drive motor and a crank arm and a disengaged position, and a holding linkage that maintains the driving engagement once said actuator moves the gear train into the engaged position. Applicants submit that neither Civaglia et al. nor Mitchell disclose or suggest these limitations, particularly, the holding linkage.

The Examiner, in the Official Action, did not cite Civaglia et al. as disclosing such a movable gear train, conceding that it did not, or as disclosing a holding linkage. The Examiner cited Mitchell as disclosing a gear train movable between an engaged and a disengaged position and Mitchell's bearing bracket 11 and lever 23 as being a holding

linkage. Applicants submit that Mitchell's bearing bracket 11 and lever 23 are not a holding linkage as required by claims 1 and 9.

Mitchell is directed to an ironing machine that has an ironing roll 2 and an ironing shoe 3. The ironing roll 2 is moved to shoe 3 during operation. The ironing machine is powered by an electric motor 14 that drives a driving pinion 16 through gear reduction means 15, which is normally inoperative, to rotate the roll 2 and which also serves as a drive connection between an electrically operated prime mover, such as a solenoid magnet 17, and roll 2 for the purpose of bodily moving the roll 2 upon energization of the prime mover. However, Mitchell's solenoid must be energized and remain energized to maintain the driving engagement between his gear train and roll 2. If the solenoid is disengaged, Mitchell's gear train is disengaged from roll 2. As explained in Mitchell:

When the solenoid is energized the armature 25 is moved upwardly and rocks the lever 23 so as to move the gear 21 into contact with the gear 22 and then move both of said gears, the shaft 5 and the roll 2 bodily, whereby the roll 2 will be disposed in substantial contact with or in pressing relation to the shoe 3, as shown in Fig. 2. When the solenoid is deenergized the roll 2, shaft 5 and gear 22 thereon gravitate to normal position thereof, aided by the spring 13, whereas the lever 23, supporting gear 21 and the armature 25 will likewise gravitate to a position rendering the drive means inoperative, as shown in Fig. 3. [Mitchell, p. 2, col. 1, lines 32 – 45]

In contrast, the holding linkage required by claims 1 and 9 maintains the movable gear train in driving engagement with the crank arm once the actuator has moved the gear train into the engaged position. As such, the actuator need not be kept energized to maintain the movable gear train in driving engagement with the crank arm. In fact, in the embodiment described in the specification of the application, actuator 74 is only energized for a short period of time, illustratively 350 milliseconds. During that period,

actuator 74 rotates an actuator link 46 in one direction to move the movable gear train into the engaged position. The holding link, holding link 60 in the illustrative embodiment described in the specification, then holds the movable gear train in the engaged position until the actuating link 46 is pivoted in the opposite direction.

[Application, p. 7, lines 12 – 34] This contrasts with Mitchell where Mitchell's solenoid must be kept energized to maintain his gear train in driving engagement with roll 2.

In conclusion, Applicants submit that claims 1, 2, 4—10 and 12—15 are allowable and respectfully request the early notice of their allowance.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 944-6519.

Respectfully submitted,

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